

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ANGELA MILLER,

Plaintiff,

v.

DOJI, INC.,

Defendant.

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Case No. 3:10-cv-00384

Judge Nixon

Magistrate Judge Griffin

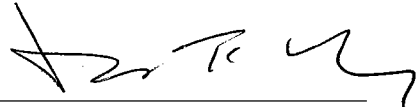
[PROPOSED] ORDER GRANTING MOTION TO DISMISS

Plaintiff filed this action pursuant to Title III of the Americans with Disabilities Act seeking injunctive relief. During the pendency of this action, Plaintiff passed away. Defendant DOJ, Inc., has filed an Unopposed Motion to Dismiss this action pursuant to 12(b)(1). After a review of the record, Defendant's Unopposed Motion, and the accompanying Memorandum, the Court finds that in light of Plaintiff's passing, the Court lacks jurisdiction over this claim. Furthermore, any attempt to amend the pleadings to allow substitution for the Plaintiff would be futile, as Plaintiff's claims for relief were specific to her alone and requested only injunctive, and not monetary, relief. As a result, this Court has been divested of its subject matter jurisdiction over Plaintiff's claims.

Thus, this case should be **DISMISSED** with prejudice, with the parties to bear their own costs and fees.

It is so ORDERED.

Entered this 7 day of March, 2011.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT